Allowable Subject Matter

A telephone call was made on May 31, 2011 to Robert E. Rosenthal, attorney for the applicant. As discussed in our phone call, please find attached the allowed claims for Serial No. 10/087,003, **marked to show changes from the issued patent.**

In reviewing the file history with respect to claims 7, 16 and 30:

Claim 7 was amended by the preliminary amendment dated February 28, 20002 to delete the comma after the words "claim 6" and to replace the term "audiovisual" with the term "media." In the amendment filed October 27, 2008, Claim 7 was listed as "previously amended." The remarks do not indicate any amendment to Claim 7. However, as a result of a typographical error, the listing of the claims included with the October 27, 2008 amendment included a version of Claim 7 in which the term "media" was replaced by the term "audiovisual." In the attached claims, Claim 7 is correctly listed as having "audiovisual" deleted and replaced with the term "media."

Claim 16 was amended by the preliminary amendment dated February 28, 20002 to delete the comma after the words "claim 15," to replace the terms "an audiovisual clip" with the terms "a media," to add the term "transition" and to delete the phrase "indicating permitted transition points in said audiovisual clip." Claim 16 was listed as "previously amended" in an amendment dated October 27, 2008. However, as a result of a typographical error, in the amendment dated October 27, 2008, the listing of the claim included a version of Claim 16 in which the terms "a media" were replaced by the terms "an audiovisual," the term "transition" was deleted and the phrase "indicating

permitted transition points in said audiovisual clip" was added. The remarks in the amendment do not indicate any amendment to Claim 16. In the attached claims, Claim 16 is correctly listed reflecting the amendments made by the preliminary amendment dated February 28, 2002.

Claim 30 was amended by the preliminary amendment dated February 28, 2002 to add the word "and" and a semicolon after the terms "media elements," and to recite "automatically selecting" instead of "selecting automatically." In the amendment dated October 27, 2008, as a result of a typographical error, the semicolon ";" and the term "and" were not underlined. Similarly, the term "automatically" before the term "selecting" was not underlined and the deleted term "automatically" after the term "selecting" was not shown in brackets. This error was repeated in the amendments filed March 18, 2010 and November 26, 2010. In the attached claims, Claim 30 is correctly listed, reflecting the amendments by the preliminary amendment dated February 28, 2002, as well as subsequent amendments.

After telephone call and considering claim 36, claim 36 was amended by the preliminary amendment dated February 28, 2002, to delete the word "audiovisual" in the first line. The word "media" was not added to the first line in that or any subsequent amendment.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert E. Rosenthal on May 31, 2011.

The application has been amended as follows:

In this supplemental amendment, the word "media" has been added to the first line in claim 36 with highlighted and underlined to show that an amendment has been done.

A Bellow set of claims replaces all previous sets of claims.

Claims 1 – 20, 22, 30 – 56, 60 – 71 and 105 – 109 has been allowed.

ALLOWED CLAIMS

1. A method of creating media programming, comprising the steps of:

maintaining in a memory device a database containing selected information about each of a plurality of media elements;

automatically selecting by a processor in communication with the memory device a plurality of said media elements in response to a request for media programming, and automatically selecting by the processor a temporal organization for said selected media elements, employing by the processor definitions associated with the request, correspondence between the definitions and information in the database, and a sequence of temporal positions for the media elements, to select fewer than all the media elements in the database responsive to the request and to select the temporal organization, said temporal organization not being dictated by said selected information; and

assembling said media elements into media programming.

2. The method of claim 1, wherein said media elements are audiovisual clips, and said media programming is an audiovisual program.

3. The method of claim 1, wherein said media elements are still photographs, and said media programming comprises a series of said still photographs.

4. The method of claim 1, wherein said selected information comprises content information relating to said media assets.

5. The method of claim 1, wherein said selected information comprises a plurality of tags associated with each of said media elements, at least one of said tags being a content tag containing information relating to content of said media element, and at least one of said tags being a control tag containing information other than content information.

6. The method of claim 5[,] wherein said media element [in an audiovisual clip] is a media clip, and at least one of said control tags contains transition information [indicating permitted transition points in said audiovisual clip].

7. The method of claim 6[,] wherein at least one of said control tags contains a luminance range for a portion of said [audiovisual] media clip.

8. The method of claim 5, wherein said step of selecting further comprises selecting two elements based on said request, selecting a temporal order for said two elements, and determining based on information in said control tags whether said two elements may be assembled in the selected temporal order, and, if not, deselecting at least one of said two elements.

9. The method of claim 5, wherein said step of selecting further comprises selecting two elements based on said request, selecting a temporal order for said two elements, and selecting transitions for said two elements based on transition information associated with each of said elements and transition rules.

10. The method of claim 1, further comprising the step of obtaining demographic information concerning an intended viewer [view] of [a] the programming prior to said step of selecting, and employing said demographic information in said step of selecting.

11. A system of creating media programming from a library of media assets, comprising:

a database containing selected information about each of said media assets;

selection means including a processor for automatically selecting a plurality of said media assets in response to a request for media programming, and for automatically selecting a temporal organization for said selected media assets, employing definitions associated with the request, correspondence between the definitions and information in the database, and a sequence of temporal positions for the media elements, to select fewer than all the media elements in the database responsive to the request and to select the temporal organization, said temporal organization not being dictated by said selected information; and

assembling means including a processor for assembling said media elements into media programming.

12. The system of claim 11, wherein said media elements are audiovisual clips, and said media programming is an audiovisual program.

13. The system of claim 11 [12], wherein said media elements are still photographs, and said media programming comprises a series of still photographs.

14. The system of claim 11, wherein said selected information comprises content information relating to said media assets.

15. The system of claim 11, wherein said selected information comprises a plurality of tags associated with each of said media elements, at least one of said tags being a content tag containing information relating to content of said media element, and at least one of said tags being a control tag containing information other than content information.

16. The system of claim 15[,] wherein said media element is [an audiovisual] a media clip, and at least one of said control tags contains transition information [indicating permitted transition points in said audiovisual clip].

17. The system of claim 16[,] wherein at least one of said control tags contains a luminance range for a portion of said [audiovisual] media clip.

18. The system of claim 15, wherein said selecting means further comprises means for selecting two elements based on said request, means for selecting a temporal order for said two selected elements, means for determining based on information in said control tags whether said two elements may be assembled in the selected temporal order, means for deselecting at least one of said two elements if said two elements are not permitted to be assembled in the selected temporal order.

19. The system of claim 15, wherein said selecting means further comprises means for selecting two elements based on said request, for selecting a temporal order for said two elements, and for selecting transitions for said two elements based on transition information associated with each of said elements and transition rules.

20. The system of claim 11, further comprising means for obtaining demographic information concerning an intended viewer of the programming, said selecting means being adapted to employ said demographic information.

21. (Canceled)

22. The system of claim 11, wherein said selection means prevents a user from selecting or ordering said media elements.

23-29. (Canceled)

30. A method of creating [audiovisual] media programming from a plurality of stored [audiovisual] media elements, comprising the steps of:

automatically selecting by a processor from a database containing information concerning said [audiovisual] media elements a plurality of said [audiovisual] media elements and automatically designating a temporal sequence for said selected [audiovisual] media elements, the selecting and designating employing a template defining a sequence of temporal positions for the [audiovisual] media elements, the media elements being selected for each position in the template in accordance with

correspondence between definitions associated with each position and the information in the database; and

automatically selecting [automatically] by the processor transitions for each of said [audiovisual] media elements to create a file of element identifiers and transition information for creation of media programming.

31. The method of claim 30, wherein said step of automatically selecting transitions comprises selecting transitions independently for a video portion of said element and for an audio portion of said element.

32. The method of claim 30, wherein said transitions are selected based on information relating to permitted transitions associated with each of said elements.

33. The method of claim 30, wherein said transitions comprise fade out of a video portion of said element.

34. The method of claim 30, wherein said information comprises a range of permitted transition points at the beginning and end of a plurality of said elements.

35. The method of claim 34, wherein said information comprises an earliest permitted transition point, a default transition point, and a latest permitted transition point.

36. A system for creating [audiovisual] programming from a plurality of stored [audiovisual] **media** elements, comprising:

means including a processor for automatically selecting from a database containing information concerning said [audiovisual] media elements a plurality of said [audiovisual] media elements and automatically designating a temporal sequence for said selected [audiovisual] media elements, the selecting and designating employing a template defining a sequence of temporal positions for the media elements, the media elements being selected for each position in the template in accordance with correspondence between definitions associated with each position and the information in the database; and

means including a processor for automatically selecting [automatically] transitions for each of said [audiovisual] media elements.

37. The system of claim 36, wherein said means for automatically selecting transitions comprises means for selecting transitions independently for a video portion of said element and for an audio portion of said element.

38. The system of claim 36, wherein said transitions are selected based on information relating to permitted transitions associated with each of said elements.

39. The system of claim 36, wherein said transitions comprise fade out of a video portion of said element.

40. The system of claim 36, wherein said information comprises a range of permitted transition points at the beginning and end of a plurality of said elements.

41. The system of claim 40, wherein said information comprises an earliest permitted transition point, a default transition point, and a latest permitted transition point.

42. The method of claim 6 wherein said transition information comprises: a transition point.

43. The method of claim 6 wherein said transition information comprises: a transition type.

44. The method of claim 43 wherein said transition type is a dissolve.

45. The method of claim 43 wherein said transition type is a cut.

46. The method of claim 43 wherein said transition type is a fade.

47. The method of claim 1 further comprising the step of obtaining desired content information concerning an intended viewer of the programming prior to said step of selecting, and employing said desired content information in said step of selecting.

48. The method of claim 6 wherein said transition information comprises: a modification parameter wherein said modification parameter is used to modify a transition.

49. The method of claim 1 further comprising the step of obtaining desired style information concerning an intended viewer of the programming prior to said step of selecting, and employing said desired style information in said step of selecting.

50. The method of claim 11 further comprising: deriving said selected information from said media assets.

51. The method of claim 11 further comprising: automatically deriving said selected information from said media assets.

52. The method of claim 16 wherein said transition information comprises: a transition point.

53. The method of claim 16 wherein said transition information comprises: a transition type.

54. The method of claim 53 wherein said transition type is a dissolve.

55. The method of claim 53 wherein said transition type is a cut.

56. The method of claim 53 wherein said transition type is a fade.

57-59. (Canceled)

60. The method of claim 30 wherein said transitions comprise a dissolve.

61. The method of claim 30 wherein said transitions comprise a cut.

62. The method of claim 30 wherein said transitions comprise a fade of an audio portion of said element.

63. The method of claim 36 wherein said transitions comprise a dissolve.

64. The method of claim 36 wherein said transitions comprise a cut.

65. The method of claim 36 wherein said transitions comprise a fade of an audio portion of said element.

66. The method of claim 1 further comprising: assembling an automatically assembled media clip into said media programming.

67. The method of claim 1 further comprising:

obtaining psychographic information concerning an intended view of the programming prior to said step of selecting, and employing said psychographic information in said step of selecting.

68. The method of claim 1 wherein said step of selecting comprises: filtering a first media element out of consideration for inclusion in said media programming wherein said filtering is performed by a mediating layer.

69. The method of claim 5 wherein at least one of said tags is a taxonomic tag.

70. The method of claim 5 wherein at least one of said tags is an attribute tag.

71. The method of claim 5 wherein at least one of said tags is a reusability tag.

72-104. (Canceled)

105. The method of claim 1, wherein the temporal positions are in a sequence defined by a template stored in the database.

106. The method of claim 105, wherein the media elements are further selected for each position of the template in accordance with demographic characteristics of an intended viewer.

107. The method of claim 1, wherein the selecting comprises selecting media elements having an aggregate duration limited to a predetermined duration of the media programming.

108. The method of claim 11, wherein the definitions associated with the request are further associated with a template.

109. The method of claim 108, wherein the template defines the sequence of temporal positions for media elements.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAHID ALAM whose telephone number is (571)272-4030. The examiner can normally be reached on Monday-Thursday 8:00 A.M.- 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shahid Al Alam/
Primary Examiner, Art Unit 2162

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